Case <u>09-31</u>484-lbr Doc 28 Entered 03/08/10 12:40:54 Page 1 of 5 1 2 3 4 **Entered on Docket** March 08, 2010 5 Hon. Linda B. Riegle **United States Bankruptcy Judge** 6 7 8 PITE DUNCAN, LLP STEVEN W. PITE (NV Bar #008226) 9 EDDIE R. JIMENEZ (NV Bar #10376) JACQUE A. GRUBER (NV Bar #11385) 10 4375 Jutland Drive, Suite 200 P.O. Box 17933 11 San Diego, CA 92177-0933 Telephone: (858) 750-7600 12 Facsimile: (619) 590-1385 E-mail: ecfnvb@piteduncan.com 13 ABRAMS & TANKO, LLLP 14 MICHELLE L. ABRAMS (NV Bar #005565) 3085 S. Jones Blvd., Suite C 15 Las Vegas, NV 89146 16 Attorneys for Secured Creditor WELLS FARGO BANK, N.A., SUCCESSOR BY MERGER TO WELLS FARGO BANK SOUTHWEST, N.A. FORMERLY KNOWN AS 17 WACHOVIA MORTGAGE, FSB, FKA WORLD SAVINGS BANK, FSB 18 19 UNITED STATES BANKRUPTCY COURT 20 DISTRICT OF NEVADA 21 Bankruptcy Case No. BK-S-09-31484-lbr In re 22 Chapter 7 ROBERT G. OLSON AND MARY ANNE 23 OLSON. WELLS FARGO BANK, N.A., SUCCESSOR BY MERGER TO WELLS 24 FARGO BANK SOUTHWEST, N.A. Debtor(s). FORMERLY KNOWN AS WACHOVIA 25 MORTGAGE, FSB, FKA WORLD 26 SAVINGS BANK, FSB'S ORDER TERMINATING AUTOMATIC STAY 27 Date: February 3, 2010 Time: 10:30 p.m. 28

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A hearing on Secured Creditor Wells Fargo Bank, N.A., successor by merger to Wells Fargo Bank Southwest, N.A. formerly known as Wachovia Mortgage, FSB, fka World Savings Bank, FSB's Motion for Relief From the Automatic Stay came on regularly for hearing in the United States Bankruptcy Court before the Honorable Linda B. Riegle, Michelle Abrams appearing on behalf of Secured Creditor.

The court having duly considered the papers and pleadings on file herein and being fully advised thereon and finding cause therefor:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

The automatic stay of 11 United States Code section 362 is hereby immediately terminated as it applies to the enforcement by Movant of all of its rights in the real property under the Note and Deed of Trust encumbering the real property commonly known as 908 Sugar Springs Dr, Las Vegas, Nevada 89110-2934 ("Real Property"), which is legally described as:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT A AND MADE A PART HEREOF.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Movant and/or its foreclosure trustee shall mail written notice of the time, date and place of the foreclosure sale of the Real Property to the Debtor(s) at the address for the Real Property at least 7 calendar days prior to the foreclosure sale. In the event that Movant and/or its foreclosure trustee provides at least 7 calendar days' advance notice of the time, date and place of the foreclosure sale of the Real Property in compliance with the notice requirements set forth in Chapter 107 of Nevada Revised Statutes, those notices shall be sufficient to satisfy the requirement of this Court to provide 7 days' notice to the Debtor(s).

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IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Movant may 1 2 offer and provide Debtors with information re: a potential Forbearance Agreement, Loan 3 Modification, Refinance Agreement, or other Loan Workout/Loss Mitigation Agreement, and 4 may enter into such agreement with Debtors. However, Movant may not enforce, or threaten to 5 enforce, any personal liability against Debtors if Debtors' personal liability is discharged in this 6 bankruptcy case. 7 APPROVED/DISAPPROVED APPROVED/DISAPPROVED 8 9 JANICE E. SMITH DAVID A. ROSENBERG DEBTOR(S) ATTORNEY TRUSTEE 10 11 12 /././ 13 /././ 14 /././ 15 /././ 16 /././ 17 /././ 18 /././ 19 /././ 20 /././ 21 /././ 22 /././ 23 /././ 24 /././ 25 /././ 26 /././ 27 /././ 28 /././

EXHIBIT "A"

ALL THAT REAL PROPERTY SITUATED IN THE CITY OF COUNTY OF CLARK STATE OF NEVADA BOUNDED AND DESCRIBED AS FOLLOWS LOT FORTY (40) IN BLOCK FOUR (4) OF COVENTRY ESTATES, AS SHOWN BY MAP THEREOF ON FILE IN BOOK 73 OF PLATS. PAGE 26, IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

FOR INFORMATIONAL PURPOSES ONLY: THE APN IS SHOWN BY THE COUNTY ASSESSOR AS 140-26-311-013; SOURCE OF TITLE IS BOOK 20040622 PAGE 0001243 (RECORDED 06/22/04).

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| 1 | ALTERNATIVE METHOD re: RULE 9021: |
| 2 | In accordance with LR 9021, counsel submitting this document certifies as follows (check one): |
| 3 | The court has waived the requirement of approval under LR 9021. |
| 4 | I certify that I have served a copy of this order with the motion, and no parties appeared |
| 5 | or filed written objections. |
| 6 | This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have |
| 7 | delivered a copy of this proposed order to all counsel who appeared at the hearing, any |
| 8 9 | unrepresented parties who appeared at the hearing, and each has approved or disapproved the |
| 10 | order, or failed to respond, as indicated below [list each party and whether the party has |
| 11 | approved, disapproved, or failed to respond to the document]: |
| 12 | This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to |
| 13 | all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing |
| 14 | and each has approved or disapproved the order, or failed to respond, as indicated below [lis |
| 15 16 | each party and whether the party has approved, disapproved, or failed to respond to the |
| 17 | document]: |
| 18 | Approved. |
| 19 | Disapproved. |
| 20 | Failed to respond Debtors' Attorney/Trustee |
| 21 | ### |
| 22 | Submitted by: |
| 23 | /s/ JACQUE A. GRUBER |
| 24 | 4375 Jutland Drive, Suite 200 P.O. Box 17933 |
| 25 | San Diego, CA 92177-0933 (858) 750-7600 |
| 26 | NV Bar #11385 Attorney for WELLS FARGO BANK, N.A., SUCCESSOR |
| 27 | BY MERGER TO WELLS FARGO BANK SOUTHWEST, N.A. FORMERLY KNOWN AS WACHOVIA MORTGAGE, FSB, |
| 28 | FKA WORLD SAVINGS BANK, FSB |